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7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

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10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12 vs.  
13 DEANDRE NAKITA BROWN,  
14 Defendant.  
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Case No.: 2:17-cr-00160-JAD-VCF  
2:17-cr-00035-JAD-GWF  
2:09-cr-00032-JAD-GWF

**STIPULATION AND PROPOSED**  
**ORDER TO CONTINUE**  
**SENTENCING**  
(First Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between The United States  
17 of America, through Dayle Elieson, United States Attorney, and Nadia J. Ahmed and  
18 Alexandra M. Michael, Assistant United States Attorneys, and the defendant DEANDRE  
19 NAKITA BROWN, by and through his counsel, Shawn R. Perez, Esq., that good cause exists  
20 to continue the sentencing in this matter currently set for February 25, 2019, to a date no  
21 sooner than 60 days beyond that date.

22 Good cause exists to extend the time for Sentencing because calendar conflicts of  
23 counsel and probation, as well as the holidays, will not provide enough time for probation  
24 to timely prepare a presentence report based on the current date set for sentencing.

25 Probation and counsel originally agreed to meet with Defendant on Friday, December  
26 14, 2018 at 9:00 a.m. Since the date that the appointment was made, counsel was informed  
27 that Judge Navarro set a status conference for the same date and time in *United States v.*  
28 *Palafox, et. al.*, Case No. 16-cr-00265-GMN (the *Vagos*' case). Counsel is in the first group

1 that was set to commence trial on January 29, 2019.

2 Based on the holidays and other calendaring conflicts of both counsel and Probation  
3 Officer Blevins, as well a potential date conflict based on the Defendant's unavailability  
4 pursuant to the trial subpoena by co-defendant Brian Wright, Probation will be unable to  
5 discharge the obligation to produce a timely presentence report.

6 In addition, on December 17, 2018, defendant Brown testified in the jury trial of his  
7 co-defendant Brian Wright. The government needs additional time to assess whether  
8 defendant Brown breached his plea agreement during his testimony and what, if any, steps  
9 the government may need to take with respect to the plea agreement as a result.

10 The additional time requested herein is not sought for purposes of delay.

11 This is the first request to continue the Sentencing filed herein.

12 DATED this 21<sup>st</sup> day of December, 2018.

13 DAYLE ELIESON,  
14 United States Attorney

15 /s/ Shawn R. Perez, Esq.

16 SHAWN R. PEREZ, ESQ.  
17 Counsel for Defendant  
Deandre Nakita Brown

/s/ Nadia J. Ahmed

NADIA J. AHMED  
Assistant United States Attorney

/s/ Alexandra M. Michael

ALEXANDRA MICHAEL  
Assistant United States Attorney

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**PROPOSED ORDER ON**  
**STIPULATION TO CONTINUE**  
**SENTENCING**  
(First Request)

Based on the representations by counsel and stipulation of counsel, good cause appearing therefore, the Court finds that:

1. The parties agree to the continuance.
2. The defendant is incarcerated and does not object to the continuance.
3. Good cause exists to extend the time for Sentencing because of calendaring conflicts, the holiday schedule and the potential date conflict based on the Defendant's unavailability pursuant to a trial subpoena by co-defendant Brian Wright.
4. In addition, on December 17, 2018, defendant Brown testified in the jury trial of his co-defendant Brian Wright. The government needs additional time to assess whether defendant Brown breached his plea agreement during his testimony and what, if any, steps the government may need to take with respect

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to the plea agreement as a result.

- 5. The denial of this request for continuance could result in a miscarriage of justice.
- 5. The additional time requested herein is not sought for purposes of delay.
- 6. This is the first request to continue the date set for the sentencing hearing date filed herein.

**ORDER**

IT IS THEREFORE ORDERED, that the Sentencing Hearing set for February 25, 2019, be vacated and reset to May 6, 2019, at the hour of 9:00 a.m.  
DATED this 28th day of December, 2018.

  
UNITED STATES DISTRICT JUDGE